

MINNESOTA OFFICE
CANADIAN PACIFIC PLAZA
120 S. 6TH ST., STE 2600
MINNEAPOLIS, MN 55402



CALIFORNIA OFFICE
600 B STREET
17TH FLOOR
SAN DIEGO, CA 92101

CATHERINE K. SMITH

csmith@gustafsongluek.com

TEL (612) 333-8844 • FAX (612) 339-6622

MINNESOTA OFFICE

January 6, 2022

VIA ECF & E-MAIL

The Honorable Hildy Bowbeer
United States District Court
724 Federal Building
316 N. Robert Street
St. Paul, MN 55101
bowbeer_chambers@mnd.uscourts.gov

Re: Baldwin et al v. Miracle-Ear, Inc., Case No. 0:20-cv-01502-JRT-HB
Joint Letter re Settlement in Principle

Dear Magistrate Judge Bowbeer,

Plaintiffs Mildred Baldwin and Ronald Struckhoff (“Plaintiffs”), Defendant and Crossclaim-Defendant HearingPro, Inc. (“HearingPro”), Defendant, Crossclaimant, and Third-Party Plaintiff Miracle-Ear, Inc. (“Miracle-Ear”), and Third-Party Defendant Tiffany Davis (“Davis”), jointly write pursuant to this Court’s instructions and Practice Pointers and Preferences to notify the Court that the Parties have reached an agreement in principle to resolve this lawsuit on a classwide basis.

This case is a putative class action alleging that Defendants made telemarketing calls to Plaintiffs and the putative class in violation of the Telephone Consumer Protection Act (“TCPA”). *See* Doc. 76 (First Amended Complaint).

On December 8, 2021, following the close of fact discovery, the Parties engaged in private mediation with the Hon. Arthur Boylan (Ret.). At the mediation, the Parties reached an agreement in principle to resolve this action on a classwide basis, and the Parties recently signed a term sheet outlining the basics of that agreement in principle.

The Parties are working to draft a comprehensive settlement agreement and to prepare the additional paperwork that will be included in Plaintiffs’ forthcoming motion

Page 2
January 6, 2022

for preliminary approval of the settlement, which Plaintiffs anticipate filing within the next 30 days.

Plaintiffs plan to file a Motion for Final Approval of the Class Action Settlement, which would include a proposed Final Approval Order and Judgment at least fourteen (14) calendar days before a Final Approval Hearing.

Therefore, to preserve the Parties' resources and allow them to focus on finalizing the settlement, the Parties respectfully request that the Court stay all existing deadlines pending a ruling on Plaintiffs' forthcoming motion for preliminary approval.

Respectfully Submitted,

GUSTAFSON GLUEK PLLC

A handwritten signature in black ink, appearing to read "Catherine K. Smith", with a stylized, flowing script.

Catherine K. Smith

CKS/mlm

Cc: all counsel (via cm/ecf)